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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOHN WALTER BURKI,

10 Plaintiff,

11 v.

12 FLORANCE SMITH, et al.,

Defendants.

Case No. C17-140 RAJ-BAT

**REPORT AND
RECOMMENDATION**

13 Plaintiff John Walter Burki, a pro se prisoner, was incarcerated at the King County Jail
14 on January 30, 2017, when he filed an application to proceed *in forma pauperis* (“IFP”) and a
15 proposed 42 U.S.C. § 1983 civil rights action. Dkt. 1. On February 2, 2017, the Court granted
16 the IFP application but declined to serve the complaint because it is deficient. Dkts. 4 and 6.
17 Plaintiff was granted leave to amend his complaint. Dkt. 6. On February 3, 2017 and February
18 7, 2013, plaintiff sent letters to the Court, both from the King County Jail. Dkts. 7 and 8.

19 On February 13, 2017, the Court’s Orders (Dkts. 4 and 6) were returned as undeliverable,
20 marked “released from custody.” Dkt. 9. Plaintiff has not notified the Court of his new address.

21 **DISCUSSION**

22 Local Civil Rule (“LCR”) 10(f) requires represented and unrepresented parties to notify
23 the Court of any change of address or telephone number within 10 days of the change.

1 LCR 41(b)(2) further provides:

2 A party proceeding pro se shall keep the court and opposing parties advised as to
3 his current address If mail directed to a pro se plaintiff by the clerk is returned
4 by the Post Office ... and if such plaintiff fails to notify the court and opposing
parties within 60 days thereafter of his current address, the court may dismiss the
action without prejudice for failure to prosecute.

5 Mail directed to plaintiff by the Court was returned by the post office over sixty days ago.
6 Plaintiff has not notified the Court of his current address.

7 **CONCLUSION**

8 To date, plaintiff has not notified the Court of his current address and has not filed
9 anything to further prosecute this action. Accordingly, the Court recommends **DISMISSING**
10 **this action without prejudice** pursuant to Local Rule CR 41(b)(2) for failure to prosecute. A
11 proposed order accompanies this Report and Recommendation.

12 Any objections to this Recommendation must be filed no later than **Wednesday, May 24,**
13 **2017.** The matter will be ready for the Court's consideration on **Friday, May 26, 2017.**
14 Objections shall not exceed five (5) pages. The failure to timely object may affect the right to
15 appeal.

16 DATED this 3rd day of May, 2017.

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18 BRIAN A. TSUCHIDA
19 United States Magistrate Judge
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